

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MELISSA DYANN PENN,

Plaintiff,

v.

GALEN DETWEILER, *et al.*,

Defendants.

CIVIL ACTION NO. 1:18-cv-00912

The Honorable John E. Jones

ORDER

AND NOW, this _____ day of _____, 2019, upon consideration of Defendants' Motion in *Limine* to Preclude Facebook Posts, and any Response thereto, it is hereby **ORDERED** and **DECREED** that Defendants' Motion in *Limine* is **GRANTED**, and Plaintiff is precluded at trial from introducing any Facebook posts purportedly authored by Defendant Galen Detweiler and Craig Losty.

BY THE COURT:

J.

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DEFENDANTS' MOTION IN LIMINE TO EXCLUDE FACEBOOK POSTS

Defendants, the City of York and Galen Detweiler, by and through their counsel, John P. Gonzales, Esquire, and Marshall Dennehey Warner Coleman and Goggin, P.C., respectfully move for an Order precluding Plaintiff from introducing evidence of any Facebook posts allegedly authored by Officer Detweiler and former York City Police Inspector Craig Losty at trial. These Facebook posts were not included in Plaintiff's production despite Defendants' demands, nor were they identified in Plaintiff's Rule 26 disclosures. Furthermore, the social media posts Plaintiff intends to admit are not authenticated or relevant to the issues in dispute in this case. In support of this Motion, Defendants respectfully submit the attached Memorandum of Law and incorporate it by reference herein.

Respectfully submitted,

**MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN**



By: _____

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*Attorneys for Defendants, East
Whiteland Township and John Nagel*

Date: October 18, 2019

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CERTIFICATE OF SERVICE

I, John P. Gonzales, Esquire, do hereby certify that a true and correct copy of Defendants' Motion *in Limine* to Preclude Facebook Posts, and the Memorandum of Law in Support thereof, was electronically filed with the Court on October 18, 2019, and is available for viewing and downloading from the ECF System.

**MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN**

By: _____


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CERTIFICATE OF CONCURRENCE/NON-CONCURRENCE

The undersigned counsel hereby certifies that, pursuant to the Local Rules of Civil Procedure for the Middle District of Pennsylvania, Rule 7.1, he contacted Plaintiff's counsel on October 18, 2019, to seek concurrence with the attached Motion *in Limine* and Plaintiff's counsel does not concur with the Motion.

**MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN**



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Date: October 18, 2019